

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7063

BILL NUMBER: SB 182

DATE PREPARED: Apr 5, 2001

BILL AMENDED: Apr 5, 2001

SUBJECT: Unobstructed View at Railroad Crossing.

FISCAL ANALYST: James Sperlik

PHONE NUMBER: 232-9866

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill allows the Indiana Department of Transportation (INDOT) to adopt rules to adjust the required distance for an unobstructed view along a railroad right-of-way. It provides that a crossing equipped with a train activated gate is exempt from the statutory requirement of an unobstructed view of at least 1,500 feet or the minimum length requirement established by a rule of the Department, if the railroad maintains an unobstructed view for at least 250 feet in both directions. The bill provides that a railroad that fails to maintain an unobstructed view shall be held liable for a penalty of \$100 a day for each day the violation continues, subject to a maximum fine of \$5,000.

Effective Date: July 1, 2001.

Explanation of State Expenditures: (Revised) Allowing the INDOT to adopt rules will have no fiscal impact on them.

Explanation of State Revenues: (Revised) Current law provides that a railroad that violates the provisions of this chapter is subject to a penalty of \$50 per day for each day the violation continues subject to a maximum fine of \$5,000, to be recovered in a civil action by the state, in the circuit or superior court of the county where the crossing is located. The bill changes the penalty to \$100 per day. The fund affected is the State General Fund. The bill also exempts certain crossings from the statutory requirement of 1,500 ft. and thus reduces the number of instances in which a violation might occur.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Transportation; Attorney General.

Local Agencies Affected: Courts.

Information Sources: Bruce Hartmann, Supervisor of Counties, Clerks, Sheriff, Board of Accounts, 232-2512.